

## **Remarks**

Claims 1, 3-8, 10-15, 17-21, and 23-32 currently stand rejected and remain pending. No claims are amended herein. The Applicant respectfully traverses the rejections and requests allowance of claims 1, 3-8, 10-15, 17-21, and 23-32.

### **Claim Rejections under 35 U.S.C. § 103**

Claims 1, 3, 5, and 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,325,419 to Connolly et al. (hereinafter “Connolly”) in view of U.S. Patent Application Publication No. 2002/0006811 to Diebolt et al. (hereinafter “Diebolt”). (Page 3 of the Office action.)

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 5,499,290 to Koster (hereinafter “Koster”). (Page 6 of the Office action.)

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 5,511,111 to Serbetcioglu et al. (hereinafter “Serbetcioglu”). (Page 7 of the Office action.)

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,590,965 to Poole et al. (hereinafter “Poole”). (Page 8 of the Office action.)

Also, claims 8, 10, 12, 15, 17, 19, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,563,788 to Torba et al. (hereinafter “Torba”). (Page 8 of the Office action.)

Claims 11 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt, and Torba in view of Koster. (Page 14 of the Office action.)

Claims 13 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt, and Torba in view of Serbetcioglu. (Page 15 of the Office action.)

Claims 14 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly, Diebolt, and Torba in view of Poole. (Page 16 of the Office action.)

Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Connolly and Diebolt in view of U.S. Patent No. 6,643,506 to Criss et al. (Page 17 of the Office action.)

Finally, claims 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Connolly and Diebolt in view of U.S. Patent No. 6,061,570 to Janow. (Page 19 of the Office action.)

The Applicant respectfully traverses the rejections in view of the following discussion.

### *Claims 1, 8, and 15*

Independent claim 1 for a method of operating a service control point is duplicated below for convenience:

1. A method of operating a service control point, the method comprising:
  - receiving a call set-up message into the service control point for an incoming call;
  - processing the call set-up message to identify a first device where the first device is a wireless device;
  - generating an alert message indicating the incoming call and caller information from the call set-up message;
  - transmitting the alert message from the service control point to the first device;
  - receiving a response message into the service control point from the first device wherein the response message indicates a second device to receive the incoming call;
  - processing the response message to generate a routing instruction that connects the incoming call to the second device; and
  - transmitting the routing instruction from the service control point.

Independent software product claim 8 and independent communication system claim 15 provide similar limitations. Several of these limitations are discussed separately below.

#### *A. Receiving and Processing a Call Set-Up Message*

Claim 1 indicates that a service control point receives a call set-up message for an incoming call, and processes the call set-up message to identify a first device where the first device is a wireless device. The Office action indicates that the AIN Information Analyzed message of Fig. 11 of Connolly (referred to therein as event F2) teaches the call set-up message of claim 1, and that the message identifies the calling device, which the Office action identifies as the first device of claim 1. (Page 3 of the Office action.) However, while Connolly teaches that the AIN Information Analyzed message “contains the called number as the Called Party ID

and the carrier ID (optional)” (column 31, lines 60-62), Connolly does *not* suggest that the AIN Information Analyzed message identifies the calling device, or that this message is processed to identify the calling device. (See column 31, line 58, to column 32, line 8.)

Alternatively, the Office action employs the ISUP Initial Address Message (IAM) (event F6 in Fig. 11), which includes the Calling Party Number (column 32, lines 10-16), as the call set-up message of claim 1. (Pages 2 and 3 of the Office action.) However, the ISUP IAM is transferred from an originating PCS switching center (PSC) *to a second PSC*. (See event F6 of Fig. 11.) Thus, the IAM is not received by the service control point (SCP) of Fig. 11, unlike the call set-up message of claim 1.

Thus, the Applicant respectfully contends that neither the AIN Information Analyzed message, nor the ISUP IAM, of Connolly teach or suggest the call set-up message of claim 1.

#### B. Generating and Transmitting an Alert Message

Claim 1 further provides for generating an alert message indicating the incoming call and caller information from the call set-up message, and transmitting the alert message from the service control point to the first device. The Office action indicates that the Connolly AIN Route Analyzed message (event F4 of Fig. 11) teaches the alert message of claim 1. (Page 4 of the Office action.) The Applicant respectfully disagrees. First, the AIN Route Analyzed message is transferred from the SCP to the originating PSC, which is not indicated to be a *wireless device*, as set forth in claim 1. (See the PCS Switching Centers (PSCs) 16 of Fig. 1.) Connolly only shows that the SCP in Fig. 11 trades messages with either the originating PSC or a second PSC (i.e., PSC 2), and does not send messages to or receive messages from a wireless device, such as the first device of claim 1. Connolly also does not indicate that these messages are ultimately forwarded to a wireless device.

Second, while Connolly indicates that the AIN Route Analyzed message includes information associated with the *called party*, Connolly does not appear to indicate that the message includes any information related to the *caller*. (See column 31, line 68, to column 32, line 8.)

The Office action alternatively cites column 33, lines 17-20, of Connolly to support the premise that the AIN Route Analyzed message anticipates the alert message of claim 1. (Page 4 of the Office action.) However, that particular passage of Connolly discusses the AIN Service

Request message, which is generated by PSC 2 of Fig. 11 and transferred *to the SCP*. (See event F21 of Fig. 11.) This message is distinguished from the alert message of claim 1, which is generated and *transmitted by the service control point*.

Thus, based on the preceding discussion, the Applicant respectfully contends that Connolly does not teach or suggest the generation and transmission of an alert message as set forth in claim 1.

C. Receiving a Response Message into the Service Control Point from the First Device

Claim 1 also provides for receiving a response message into the service control point from the first device, wherein the response message indicates a second device to receive the incoming call. The Office action indicates that the Terminating Attempt message of Connolly (event F8 of Fig. 11) teaches the response message of claim 1. (Page 4 of the Office action.) The Applicant respectfully disagrees. Connolly teaches that the Terminating Attempt message is sent *from the PSC 2* to the SCP. (See Fig. 11 and column 32, lines 25-27.) Thus, the Terminating Attempt message is not transferred from a first (wireless) device, since the PSC is not a wireless device, as discussed above.

Additionally, in this portion of the analysis provided in the Office action, the PSC 2 is being employed as the first device of claim 1, when earlier in the rejection of claim 1, the Office action uses a different Connolly device (the calling party or originating device) as anticipating the first device of claim 1. (See page 3 of the Office action.) In other words, the Office action utilizes two disparate Connolly devices to represent the same singular device recited in claim 1.

Thus, based on the foregoing, the Applicant contends that Connolly does not teach or suggest receiving a response message into the service control point from the first device, as provided in claim 1, and such indication is respectfully requested.

D. Processing the Response Message to Generate a Routing Instruction, and Transmitting the Routing Instruction

Claim 1 further recites the processing of the response message to generate a routing instruction that connects the incoming call to the second device, and the transmitting of the routing instruction from the service control point. In this case, the Office action appears to employ the AIN Information Analyzed message (event F2 of Fig. 11) as the response message of

claim 1, and utilizes the AIN Route Analyzed message (event F4 of Fig. 11) as the routing instruction of claim 1. (Page 4 of the Office action.) The Applicant respectfully disagrees with this assessment of Connolly. First, the Office action is employing the AIN Information Analyzed message of Connolly as the response message in this portion of the rejection, while utilizing the Terminating Attempt message of Connolly as the same response message in the immediately preceding portion of the rejection. (See page 4 of the Office action, and the above analysis.)

Further, by this point in the rejection, the Office action has identified each of the AIN Information Analyzed message and the AIN Route Analyzed message of Connolly as two separate messages or instructions set forth in claim 1. (Pages 3 and 4 of the Office action.) More specifically, the Office action indicates that the AIN Information Analyzed message anticipates both the call set-up message and the response message of claim 1. (Id.) Likewise, the Office action associates the AIN Route Analyzed message with the alert message and the routing instruction of claim 1. (Page 5 of the Office action.) However, the AIN Information Analyzed message and the AIN Route Analyzed message each occur *only once* in the flowchart of Fig. 11. Thus, the Applicant respectfully contends that the AIN Information Analyzed message cannot be both the call set-up message and the response message of claim 1, and that the AIN Route Analyzed message cannot be both the alert message and the routing instruction of claim 1, as each of these messages involves a separate recited operation in claim 1.

*E. The Response Message from the First Device to the Service Control Point Indicates a Second Device to Receive the Incoming Call*

Further as to claim 1, the Office action indicates that “Connolly fails to clearly disclose wherein the said first device sends a response message indicating a second device *to receive an incoming call*. ... Diebolt et al. teaches in paragraphs[s] [0017 – 0019] wherein the calling party is able to send a process command, which reads on claimed ‘alert message,’ that *redirects the incoming call* to either a fax machine or printer, which reads on claimed ‘second device.’ The process command of Diebolt et al. is used essentially to *direct a call, email or fax to another device* (second device) within the network.” (Pages 4 and 5 of the Office action; emphasis supplied.)

The Applicant respectfully disagrees with this characterization of Diebolt. Generally, the

Diebolt process command is transferred from a wireless telecommunications device by way of a private branch exchange (PBX) *to a nearby terminal*, such as a printer, fax machine, or computer-driven monitor of a *data network*. (Paragraphs [0015] and [0017].) In the examples discussed in Diebolt, the process command may be “a print or a view command of *some message* (email, fax) respectively on a printer or a monitor connected to the data network 5.” (Paragraph [0017]; emphasis supplied.) Thus, Diebolt does not indicate that these messages are related to *an incoming call*, as provided for in claims 1, 8, and 15. Instead, these e-mail or fax messages apparently have already been received, and the process command allows the user access to access them by way of the data network after the fact. For example, a process command may be directed to a printer, which executes the command to provide “a print of the *selected data*.” (Paragraph [0019]; emphasis supplied.)

Specifically in the case of e-mails and faxes, Diebolt indicates that the data has already been received into data network 5, and the process command merely indicates whether the data is to be viewed on a monitor, printed on a printer, or the like. (See paragraphs [0017]-[0019].) Diebolt specifically states that the “process command will contain only the information of which command must be performed *on which data ...*” (Paragraph [0017]; emphasis supplied.) Thus, the process commands related to e-mail and faxes are not response messages indicating a second device to receive an incoming call, as provided for in claim 1.

In one scenario, Diebolt discusses *transferring* a call from the wireless device to the fixed telephone, such as by way of a “hand over.” (Paragraph [0021].) In other words, the call has already been completed to the wireless device, and is then transferred to the fixed telephone, which may be advantageous if the battery charge of the wireless device becomes depleted. (Id.) Thus, again, Diebolt does not teach or suggest generating a response message indicating the second device is to *receive the incoming call*, as provided for in claim 1, and such indication is respectfully requested.

The Office action also asserts that it would have been obvious to modify Connolly to include Diebolt “in order to provide a system capable of identifying an incoming call and redirecting the call to [an]other device for further processing.” (See, for example, page 6 of the Office action.) The Applicant respectfully disagrees, as the scope of Connolly and Diebolt are vastly different. While Connolly describes “[a] wireless digital personal communications system” (see abstract) having at least one SCP and multiple PSCs, Diebolt operates within a

smaller system through a single private branch exchange (PBX) of a single enterprise (see the figure of Diebolt). A PBX, which is a *private switching system* through which calls are switched to a small number of phones, performs a different function from an SCP, which is essentially a *database* used to control communication switches. Further, the smaller system of Diebolt is coupled with a data network, such as a local area network (LAN), upon which Diebolt depends to execute the process commands described therein. Connolly, on the other hand, does not appear to contemplate such a data network. Thus, the Applicant contends that no motivation exists to combine Connolly and Diebolt, and such indication is respectfully requested.

Also, as indicated above, the process command of Diebolt, or any other actions described therein, does not address connecting incoming calls to another device, as set forth in claims 1, 8, and 15. The Office action asserts in its “Response to Arguments” section that paragraph [0005] of Diebolt indicates such a capability. (Page 2 of the Office action.) However, that paragraph only discusses the ability of a PBX to interconnect wireless communications devices to fixed telephones and a data network.

Thus, based on at least the foregoing reasons, the Applicant contends that claim 1 is allowable in view of Connolly and Diebolt, and such indication is respectfully requested.

Further, as the Office action employs the same reasoning described above in rejecting claims 8 and 15, the Applicant asserts claims 8 and 15 are also allowable in view of Connolly and Diebolt for at least the same reasons provided above in support of claim 1, and such indication is respectfully requested.

#### *Claims 24, 27, and 30*

Independent method claim 24 for operating a first (wireless) device is duplicated below for convenience:

24. A method of operating a first device where the first device is a wireless device, the method comprising:
- receiving an alert message indicating an incoming call and caller information from a service control point into the first device;
  - processing the alert message;
  - determining the incoming call should be sent to a second device;
  - generating a response message indicating the second device is to receive the

incoming call; and  
transmitting the response message from the first device to the service control point.

Independent software product claim 27 and independent wireless communication device claim 30 incorporate similar provisions.

A. Receiving and Processing an Alert Message

Claim 24 provides for receiving an alert message indicating an incoming call and caller information from a service control point into the first device, and processing the alert message therewithin. In rejecting claim 24, the Office action appears to indicate that the Page Response message (i.e., event F17 in Fig. 11) of Connolly anticipates this alert message. (Page 5 of the Office action.) The Applicant respectfully disagrees, as the Page Response message containing the identity of the portable terminal is sent by that terminal to an intelligent base station (IBS) in response to being paged by way of a Page Request broadcast message (event F15 of Fig. 11) from the IBS to the terminal. (Column 32, lines 48-59.) Thus, the portable terminal of Connolly is sending a message *identifying itself* in response to a broadcast page from an IBS alerting the portable terminal to an incoming call. However, Connolly does not indicate that either the Page Request message or the Page Response message includes *caller information*, as provided in the alert message of claim 24. Thus, the Applicant respectfully contends that Connolly does not teach or suggest receiving or processing an alert message indicating an incoming call *and caller information* from a service control point, as provided for in claim 24.

B. Determining the Incoming Call Should Be Sent to a Second Device, and Generating and Transmitting a Response Message

Claim 24 further provides for determining the incoming call should be sent to a second device, generating a response message indicating the second device is to receive the incoming call, and transmitting the response message from the first device to the service control point. Diebolt is employed in the Office action to show these operations. (See pages 5 and 6 of the Office action.) The Office action further appears to employ the process command of Diebolt as the response message of claim 24. (Id.) As described above with respect to claim 1, the Applicant respectfully contends that the Diebolt process command is not a response message



indicating a second device is to receive an incoming call, as provided for in claim 24, as the process commands of Diebolt are not related to incoming calls, but instead are associated with the transfer of a call in which a wireless device is currently engaged, and to faxes and e-mails that have already been received.

Thus, for at least the reasons presented above, the Applicant contends that claim 24 is allowable in view of the combination of Connolly and Diebolt, and such indication is respectfully requested. Further, as discussed in detail above regarding claim 1, the Application respectfully asserts that no motivation exists to combine Diebolt with Connolly to yield the subject matter of claim 24.

The Office action utilizes the same reasons applied to claim 24 to reject claims 27 and 30. (See pages 17-20 of the Office action.) Thus, in view of the above discussion, the Applicant asserts that claims 27 and 30 are allowable for at least the reasons presented above in support of claim 24, and such indication is respectfully requested.

*Claims 3-7, 10-14, 17-21, 23, 25, 26, 28, 29, 31 and 32*

Claims 3-7 depend from independent claim 1, claims 10-14 depend from independent claim 8, claims 17-21 and 23 depend from independent claim 15, claims 25 and 26 depend from independent claim 24, claims 28 and 29 depend from independent claim 27, and claims 31 and 32 depend from independent claim 30. Thus, the Applicant asserts that each of these claims incorporates the subject matter of its associated independent claim, and therefore is allowable for at least the reasons provided above in support of claims 1, 8, 15, 24, 27, and 30, and such indication is respectfully requested.

Thus, in light of the foregoing, the Applicant respectfully requests that the 35 U.S.C. § 103 rejections of claims 1, 3-8, 10-15, 17-21, and 23-32 be withdrawn.

### **Conclusion**

Based on the above remarks, the Applicant submits that claims 1, 3-8, 10-15, 17-21, and 23-32 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant thus respectfully requests allowance of claims 1, 3-8, 10-15, 17-21, and 23-32.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

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/Kyle J. Way/

**SIGNATURE OF PRACTITIONER**

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